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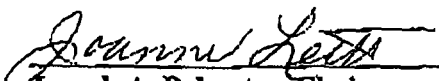
RESOLUTION

WHEREAS, it is the recommendation of the Natural Resources Committee to approve the attached recommendation to the US Environmental Protection Agency.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in **SPECIAL SESSION** this 20th day of February, 2003 acting for and in behalf of the Colville Confederated Tribes, Nespelem, Washington, do hereby approve the above recommendation of the Natural Resources Committee.

The foregoing was duly enacted by the Colville Business Council by a vote of **9 FOR 0 AGAINST 0 ABSTAINED**, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:


for: Joseph A. Pakootas, Chairperson
Colville Business Council

cc: Natural Resources Committee Chair
CBC Recording Secretary
Executive Director
Dept. or Program: Gary Passmore, Environmental Trust
BIA Superintendent

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It is the recommendation of the Natural Resources Committee to the Colville Business Council to approve the following:

WHEREAS, The Business Council of the Confederated Tribes of the Colville Indian Reservation, Washington, is the governing body of the Tribe by authority of Article II of the Amended Constitution and Bylaws of the Confederated Tribes of the Colville Indian Reservation; and

WHEREAS, the Business Council is empowered under Article V, Section 1 of the Tribal constitution to protect the health, security and general welfare of the Reservation population and responsible for overseeing the use, protection and management of the Tribe's natural resources; and

WHEREAS, the Upper Columbia River Basin has been a resource of great importance to the Tribes since time immemorial; Predecessors of the Tribes and its members have always occupied and utilized these areas; The fish, wildlife, and plant materials of the Upper Columbia Basin have always been of central importance to the Tribes' subsistence and culture; and

WHEREAS, for many decades the Upper Columbia River Basin and Lake Roosevelt have been impacted by the discharges and releases of hazardous substances into the Columbia River from Canadian zinc and lead smelter operations, Canadian pulp mill operations, and mine, mill and smelter operations in the United States. Moreover, reservoir system conditions associated with the operation of hydroelectric dams have further complicated the matter, particularly the operations of the Grand Coulee Dam by the Bureau of Reclamation, a Department of Interior Agency; and

WHEREAS, the health of those who either reside on or do business within the exterior boundaries of the Reservation, including both members of the Colville Tribes and non-members (the "Reservation Population"); the environmental quality of the lands, waters and resources of the Reservation (the "Reservation Environment"); and off-reservation tribal resources including but not limited to those resources located on the North Half and on allotments, are of paramount importance to the Tribes; and

WHEREAS, the Tribes derive economic benefit from recreation visitors to the region including the sale of fishing licenses, campground operations, and houseboat rentals on Lake Roosevelt; and

WHEREAS, the Tribes, by and through the Business Council, petitioned the EPA under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to conduct a Preliminary Assessment of releases or potential releases of hazardous substances to the environment in an area spanning from the Grand Coulee Dam to the Canadian border. and

WHEREAS, EPA accepted the Tribes' petition, conducted the assessments and site inspections, and has concluded that widespread contamination is present in lake and river

sediments throughout the upper Columbia River between Inchelium, Washington and the U.S.-Canada border; and

WHEREAS, EPA has further concluded that the Cominco Smelter in Trail, B.C. is a primary source of contamination to the Upper Columbia River and that further detailed investigation of the upper Columbia River under CERCLA is recommended; and

WHEREAS, the geographic scope of the contamination is immense; and

WHEREAS, the area of the Upper Columbia River Basin assessed and investigated by the EPA and the sources of contamination identified by the EPA implicate and affect several jurisdictions including the United States, Canada, the state of Washington and the Tribes; and

WHEREAS federal, state and Tribal resources are impacted by the historical and on-going environmental contamination and agencies within the Department of Interior such as the Bureau of Reclamation, National Park Service, Bureau of Indian Affairs, and U.S. Fish and Wildlife Service have interests in the site as Natural Resource Trustees and also owe a fiduciary responsibility to the Tribes with regard to the protection of Tribal resources;

NOW, THEREFORE, the Colville Business Council makes the following recommendations:

That the EPA under the authority delegated to it by the President under CERCLA and acting as a Trustee to the Tribe bring all responsible parties (both foreign and domestic) to bear by taking all steps necessary to ensure the remedy of the historic and ongoing releases to the Upper Columbia River Basin environment and the protection of human health and the environment, and in particular, the health of the Reservation Population and Reservation Environment, including

Preparing a Management Review package recommending that this site be placed on the National Priorities List (NPL); or

Engaging in Superfund-equivalent enforcement orders with responsible parties for the purposes of an EPA-lead Remedial Investigation and Feasibility Study of the site and an appropriate remedial action and cleanup of the site that will protect the Reservation Population and the Reservation Environment to the fullest extent possible.

The Colville Tribes recognize the need for EPA to have flexibility in carrying out its mandate to protect human health and the environment. However, in the event that EPA determines that a deferral or Superfund equivalent enforcement order is an appropriate remedy for the Upper Columbia River Basin, the Colville Tribe insists that the preparation of a management review package cannot be set aside, but, rather, must proceed forward completely as a critical element of any proceeding undertaken by EPA to protect the health of the Reservation Population and Reservation Environment.